

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 4TH JUNE 2007 / 14TH JYAISHTA 1929

Crl.MC.No. 235 of 2007()

O.R.NO.40/2006 OF THE THAMARASSERY FOREST RANGE

PETITIONER: ACCUSED NO.9:

SAJI K.I., S/O. ABRAHAM,
KARUVELIL HOUSE, PUDUPPADY P.O.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS: COMPLAINANT:

STATE OF KERALA THROUGH THE
FOREST RANGE OFFICER, THAMARASSERY,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 04/06/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J.

Crl.M.C.No.235 of 2007

Dated this the 4th day of June 2007

O R D E R

Interim directions have already been issued in favour of the petitioner, as per order dated 31/01/2007. His interest, I feel, are sufficiently protected by such interim order. However, the learned Public Prosecutor was requested to explain what the crux of the allegation against the petitioner herein is. The petitioner is the 9th accused. Some other accused are allegedly involved in killing an animal, offending the provisions of the Wild Life Act. They split the meat. One packet which was allegedly seized from the possession was intended to be sent to the petitioner herein. On collecting that information from the principal miscreants, the officials went in search of the petitioner. Seeing the officials, the petitioner took to his heels. Except this, there is no better allegations raised so far. The learned Public Prosecutor accepts that no better allegations are available at present. However, the learned Public Prosecutor submits that investigation is being conducted into the complicity and nexus of the petitioner with the other accused. Why did the

accused run away? Does that indicate any complicity? These aspects are to be cross-checked, it is submitted.

2. In view of the interim order dated 31/1/2007, the petitioner's interest appears to be sufficiently protected. Those directions shall continue to remain in force and shall be reckoned as directions issued under Section 438 Cr.P.C. I do not want to state anything more about the nature and acceptability of the allegations. Suffice it to say that it appears to be shocking that a crime has been registered on the basis of the above allegations which are stated by the learned Public Prosecutor at the Bar. However, subject to the interim directions on 31/1/2007, the investigator can be permitted to complete the investigation. No further directions are sought.

3. This Criminal Miscellaneous Case is, in these circumstances, dismissed with the above observations/directions. Needless to say, the petitioner's right to approach this court later with any grievance which he may have against the investigator on the final final report filed by him shall remain unaffected by the dismissal of this writ petition.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007